

JUDGE CROTTY  
The JS-44 Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law except as provided by local rules of court. This form approved by the Judicial Conference of the United States in September 1974 is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

NOV 21 2014

PLAINTIFFS  
CLEARLAKE SHIPPING PTE LTD

DEFENDANTS  
O W BUNKER (SWITZERLAND) AS, O W BUNKER USA INC, O W  
BUNKER NORTH AMERICA INC, O W BUNKER HOLDING NORTH  
AMERICA INC, WESTOIL MARINE SERVICES, INC, ING BANK, N V

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Holland & Knight LLP  
31 West 52nd Street  
New York, NY 10019  
(212) 513-3200

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U S CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 USC 1335

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol ☐ Invol ☐ Dismissed No ☒ Yes ☐ If yes, give date \_\_\_\_\_ & Case No \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input checked="" type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> SEIZURE OF PROPERTY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT LIBEL &	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 21 USC 881	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> REAPPORTIONMENT
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> INSTRUMENT	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> 690 OTHER		<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> LIABILITY		<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> EMPLOYERS			<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 450 COMMERCE
<input type="checkbox"/> ENFORCEMENT	<input type="checkbox"/> LIABILITY	<b>PERSONAL PROPERTY</b>		<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD		<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING			<input type="checkbox"/> ENCED & CORRUPT
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> LIABILITY			<b>SOCIAL SECURITY</b>	<input type="checkbox"/> ORGANIZATION ACT
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> (RICO)
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE			<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> PRODUCT LIABILITY			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	<b>LABOR</b>	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 850 SECURITIES/
<input type="checkbox"/> OVERPAYMENT	<input type="checkbox"/> INJURY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> COMMODITIES/
<input type="checkbox"/> OF VETERAN S	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> STANDARDS ACT		<input type="checkbox"/> EXCHANGE
<input type="checkbox"/> BENEFITS	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 890 OTHER STATUTORY
<input type="checkbox"/> 160 STOCKHOLDERS		<b>PRISONER PETITIONS</b>	<input type="checkbox"/> RELATIONS	<input type="checkbox"/> 870 TAXES (U S Plaintiff or	<input type="checkbox"/> ACTIONS
<input type="checkbox"/> SUITS	<b>ACTIONS UNDER STATUTES</b>	<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> Defendant)	<input type="checkbox"/> 891 AGRICULTURAL ACTS
<input type="checkbox"/> 190 OTHER	<b>CIVIL RIGHTS</b>	<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 751 FAMILY MEDICAL	<input type="checkbox"/> 871 IRS THIRD PARTY	<input type="checkbox"/> 893 ENVIRONMENTAL
<input type="checkbox"/> CONTRACT	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> VACATE SENTENCE	<input type="checkbox"/> LEAVE ACT (FMLA)	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> MATTERS
<input type="checkbox"/> 195 CONTRACT	<input type="checkbox"/> (Non-Prisoner)	<input type="checkbox"/> 28 USC 2255	<input type="checkbox"/> 790 OTHER LABOR		<input type="checkbox"/> 895 FREEDOM OF
<input type="checkbox"/> PRODUCT	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> LITIGATION		<input type="checkbox"/> INFORMATION ACT
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> 791 EMPL RET INC		<input type="checkbox"/> 896 ARBITRATION
<input type="checkbox"/> 196 FRANCHISE	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> SECURITY ACT		<input type="checkbox"/> 899 ADMINISTRATIVE
	<input type="checkbox"/> ACCOMMODATIONS	<b>PRISONER CIVIL RIGHTS</b>	<b>IMMIGRATION</b>		<input type="checkbox"/> PROCEDURE ACT/REVIEW OR
<b>REAL PROPERTY</b>	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION		<input type="checkbox"/> APPEAL OF AGENCY DECISION
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> DISABILITIES -	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> APPLICATION		<input type="checkbox"/> 950 CONSTITUTIONALITY OF
<input type="checkbox"/> CONDEMNATION	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 560 CIVIL DETAINEE	<input type="checkbox"/> OTHER IMMIGRATION		<input type="checkbox"/> STATE STATUTES
<input type="checkbox"/> FORECLOSURE	<input type="checkbox"/> 446 AMERICANS WITH	<input type="checkbox"/> CONDITIONS OF CONFINEMENT			
<input type="checkbox"/> 220 RENT LEASE &	<input type="checkbox"/> DISABILITIES OTHER				
<input type="checkbox"/> 230 EJECTMENT	<input type="checkbox"/> 448 EDUCATION				
<input type="checkbox"/> 240 TORTS TO LAND					
<input type="checkbox"/> 245 TORT PRODUCT					
<input type="checkbox"/> LIABILITY					
<input type="checkbox"/> 290 ALL OTHER					
<input type="checkbox"/> REAL PROPERTY					

Check if demanded in complaint

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F R C P 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S D N Y ?  
IF SO, STATE \_\_\_\_\_

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND ☐ YES ☒ NO

NOTE You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN x IN ONE BOX ONLY)

## ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented  
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

## BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] 5 [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6 [ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Clearlake Shipping Pte Ltd.  
 12 Marina Boulevard  
 #35-02 Marina Bay Financial Tower 3  
 Singapore 018982

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

O.W. Bunker (Switzerland) AS., 20 Rue Adrien-Lachenal, CH-1207 Geneva, Switzerland; O.W. Bunker USA Inc., 2603 August Drive, Suite 440, Houston, TX 77057; O.W. Bunker North America Inc., 281 Tresser Blvd., 2 Stamford Plaza, 15th Floor, Stamford, CT 06901; O.W. Bunker Holding North America Inc., 281 Tresser Blvd., 2 Stamford Plaza, 15th Floor, Stamford, CT 06901; Westoil Marine Services, 1610 Barracuda Street, San Pedro, CA 90731; ING Bank, N.V., Amsterdamse Poort, Bijlmerplein 888, 1102 MC Amsterdam, The Netherlands

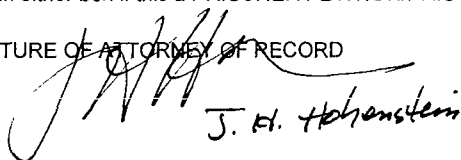
## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 21 Nov 2014 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

  
 J. H. Hohenstein

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO  
☒ YES (DATE ADMITTED Mo. 10 Yr. 1991)  
 Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge MAC RICHARDSON is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)